

### **AMENDMENTS TO DRAWINGS**

Please replace Sheet 5 and 6 of the drawings with Replacement Sheet 5 and 6 containing Figures 6, 7 and 8.

## **REMARKS**

Claims 1-9 were pending when last examined. Claims 1, 3-6 and 8-9 are amended through this response, Claims 10 is newly added. Applicants respectfully request reconsideration for Claims 1-9.

### **Objections to the Drawings**

Fig. 6-8 are objected to for various informalities. Replacement sheets 5 and 6 are submitted with this response. Applicants respectfully request the replacement sheets be entered and the objections to the drawings withdrawn.

### **Objections to the Specification**

The title of the present application is objected to for informality. Applicants accept Examiner's suggestion, and amend the title of the application accordingly. Applicants respectfully request the object to disclosure be withdrawn.

### **Objections to the Claims**

Claims 1, 3-6 and 8-9 are objected for various informalities. Claims 1, 3-4 and 8-9 have been amended according to Examiner's suggestion. For Claims 5 and 6, Examiner objected to the use several "the overlapping area" for lack of antecedent basis and suggests using instead "an overlapping area." However, "the failure to provide explicit antecedent basis for terms does not always render a claim indefinite." MPEP 2173.05(e). For example, "inherent components of elements recited have antecedent basis in the recitation of the components themselves." *Id.* Claim 5 recites "a first floating electrode ... intersecting ... the first and third contact portions" which inherently describes an "overlapping area of the first floating electrode and the first contact portion" thereby providing an antecedent basis.

Antecedent basis for other uses of “the overlapping area” in claims 5 and 6 are similarly provided. Therefore, Applicants do not believe amendments to provide antecedent basis are necessary to Claims 5 and 6. Claim 5 has been amended with regard to Examiner’s other suggestion. Applicants respectfully request the objections to the claims be withdrawn.

**Claim Rejections under 35 U.S.C. §102(e) and §103**

Claims 1-8 are rejected under 35 U.S.C. §102(e) as being anticipated by Song (US 7184108 B2) (hereinafter “Song”). However, Song is not a proper §102(e) preference. Under U.S.C. §102(e), an invention is not entitled to a patent if:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

The present application was filed on October 29, 2004 and claims priority to Korean patent application 10-2003-0075872 filed on October 29, 2003. The invention date for the purpose of 102(e) has been constructively established to be at least as early as October 29, 2003. The Song patent was filed in the United States on March 26, 2004, after the present application’s date of invention, and therefore cannot be a prior art reference under 102(e)(1). The Song patent is not a PCT application under 351(a), and therefore cannot be a prior art reference under 102(e)(2). Applicants respectfully submit that Song is not a proper 102(e) preference and the 102(e) rejections of Claims 1-8 based on Song is moot. Accordingly, Applicants respectfully request the rejections to claims 1-8 be withdrawn.

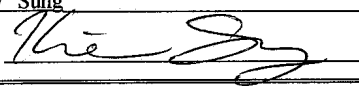
**Claim Rejections under 35 U.S.C. §103**

Claim 9 is rejected under 35 U.S.C 103(a) as being unpatenable over Song as applied to claim 5 above, and further in view of Shin et al. (US 20070040956 A1). Claim 9 is patentable at least for the reason of dependency on claim 1. Further, as discussed above, Song is not a proper 102(e) reference and therefore cannot be a reference under §103 for the same reasons. Accordingly, Applicants respectfully request the rejections to claim 9 be withdrawn.

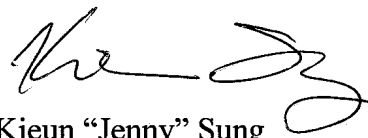
**CONCLUSION**

In light of the foregoing, Applicants respectfully request that the rejections and objections be withdrawn and the claims allowed. Should any other action be contemplated by the Examiner, it is respectfully requested that he contact the undersigned at (408) 392-9250 to discuss the application.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required.

<p align="center"><b>CERTIFICATE OF EFS-WEB TRANSMISSION</b></p> <p>Certificate of Transmission: I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's EFS-Web electronic filing system on <u>July 17, 2008</u> (Date).</p> <p>Typed or printed name of person signing this certificate: <u>Kieun "Jenny" Sung</u></p> <p>Signature: <u></u></p>
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Respectfully submitted,

  
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